

## REMARKS

Claims 1-12 and 43-49 are pending in the application. Claims 1, 4, 43, and 47 are independent. In the present Paper, Claims 1, 4, 43, and 47 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

### Rejection of Claims 1-12 and 43-49 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner maintained the rejection of claims 1-12 and 43-49 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. U.S. 2004/0117831 to Ellis et al. (hereinafter "*Ellis*"). Applicant respectfully traverses the rejection.

Applicant respectfully submits that the cited references fail to teach the identical invention as recited in the claims. Representative claim 1 recites in pertinent part "***first*** feedback being based on ***previous content consumption*** by the at least one of the plurality of clients" (emphasis added). Claims 4, 43, and 47 recite similar subject matter. Support for these changes according to at least one embodiment can be found in Applicant's Specification at page 14, lines 1-6, for example.

Applicant respectfully submits that *Ellis* fails to disclose that the first feedback is based on previous content consumption by the at least one of the plurality of clients. Applicant respectfully submits that it takes at least two feedbacks in *Ellis* for *Ellis* to use a user's viewing habits to select content for the user. Moreover, the subsequent feedback is only used for determining which movies the user may think are Hot. For example, the user in *Ellis* has to select Movie 130 from the guide. The user then has to select the Hot option 132B from Movie 130. Then, "The hot movies shown in FIG. 8 may also be selected by the program guide based upon the user's viewing habits. (See *Ellis* at paragraph [0131]). Thus, in *Ellis* the first feedback does not take into consideration the user's viewing habits. It is only when the user indicates that as a first feedback he or she wants to see and movie and as a second feedback he or she wants to see a Hot movie that *Ellis* considers a user's viewing habits.

Applicant respectfully submits that *Ellis* and *Payton* fail to disclose this feature recited in

the claims. Applicant respectfully submits that because *Ellis* fails to disclose the identical invention as recited in claims 1, 4, 43, and 47 claims 1, 4, 43, and 47 are patentable over *Ellis*.

Claims 2-3 properly depend from claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable. Claims 5-12 properly depend from claim 4 and are thus patentable for at least the same reasons that claim 4 is patentable. Claims 44-46 properly depend from claim 43 and are thus patentable for at least the same reasons that claim 43 is patentable. Claims 48-49 properly depend from claim 47 and are thus patentable for at least the same reasons that claim 47 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-12 and 43-49.

### CONCLUSION

Applicant respectfully submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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